

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 8-13, 56 and 70-75 are pending in the application, with claim 8 being the sole independent claim. Claim 8 has been amended. Support for the amendment to claim 8 may be found in the specification at page 12, lines 21-25. Thus, the amendment to claim 8 does not introduce any new matter.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***I. Claim Rejections Under 35 U.S.C. § 112, First Paragraph***

Claims 8-13 and 71-73 were rejected under 35 U.S.C. § 112, first paragraph, as not complying with the written description requirement. *See* Office Action at page 2. The Office Action states that the recitation of “thereby degrading single-stranded RNA in said preparation” in claim 8 is new matter. Although Applicants respectfully disagree with the rationale underlying this rejection, claim 8 has been amended to no longer recite this language.

Thus, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

## ***II. Claim Rejection Under 35 U.S.C. § 103(a)***

Claims 8-12, 70, 71 and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Major, *Biotechniques* 12:40-43 (1992) ("Major") and Maudru *et al.*, *J. Virol. Methods.* 66:247-261 (1997) ("Maudru"). *See* Office Action at page 4. Applicants respectfully disagree for the reasons previously set forth on the record.

The Examiner stated that "Applicants [sic: Applicants'] characterization of Maudru as being concerned with assaying the presence of reverse transcriptase in a sample is misleading." *See* Office Action, page 7. Applicants reiterate their position that the assay system of Maudru is in fact concerned with assaying the presence of reverse transcriptase in a sample in order to detect retroviruses. In this regard, the Examiner's attention is directed to the introduction of Maudru wherein this express purpose is clearly set forth. For example, according to Maudru, the RT assays mentioned therein have the potential:

1. to identify novel retroviruses,
2. to reveal the presence of known or unknown retroviruses in patients with diseases for which a viral aetiology is suspected but for which no retrovirus has been detected or isolated; and
3. to detect low levels of contaminating retroviruses in vaccines and other biological products for medical or veterinary use.

*See* Maudru at page 248, top left column. Thus, Applicants do not believe that their characterization of Maudru is in any way "misleading."

Applicants respectfully request that this rejection be reconsidered and withdrawn.

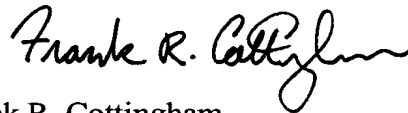
***Conclusion***

Applicants respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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